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March 24, 2011

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**VIA ECF**

Honorable Esther Salas, U.S.M.J.  
United States District Court  
Martin Luther King, Jr. Federal Building  
50 Walnut Street  
Newark, New Jersey 07102

Re: Mechin vs. Carquest Corporation, et al.  
Civil Action No.: 07-5824 (SDW)

Dear Judge Salas:

I write in further support of plaintiff's request that the Court coincide the filing/briefing of plaintiff's Rule 11 motion with the pending motions for summary judgment, rather than have plaintiff wait 21 days to file his motion.

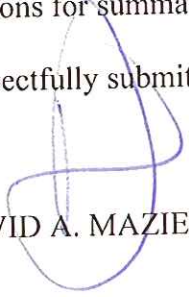
This morning, we located an e-mail sent last year from defense counsel, John Shea, Esq. in which he definitively represents that TMC Electrical (the Chinese company) "does not have any offices, employees or representatives in the US". According to Mr. Shea, this information comes directly from Tom Miller, the owner of defendants TMC Enterprises, TASCO and Voltec -- all parties who have filed motions for summary judgment under the innocent seller doctrine in this case.

The attached e-mail confirms that the defendants' motions are utterly frivolous as the innocent seller rule requires that the defendants prove that the foreign company has both a presence and assets in the United States. N.J.S.A. 2A:58C-9(c)(2) and (c)(3). Although I have brought this e-mail to counsels' attention, they have still refused to withdraw their motions for summary judgment.

Honorable Esther Salas, U.S.M.J.  
March 24, 2011  
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Based upon the foregoing as well as our prior submission, we ask for permission to file a Rule 11 motion to coincide with the pending motions for summary judgment.

Respectfully submitted,



DAVID A. MAZIE

DAM/dmc

cc: John H. Maucher, Esq.  
Scott L. Haworth  
John D. Shea, Esq.

(H:\DAM\Mechin\Salas ltr. re Rule 11 motion 03-24-11)

**Matthew Mendelsohn**

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**From:** Shea, John <shea@litchfieldcavo.com>  
**Sent:** Thursday, March 18, 2010 6:33 PM  
**To:** Matthew Mendelsohn; Stratis, Jennifer; Thomas Mulcahy; Danielle Bohlen  
**Cc:** David Mazie  
**Subject:** RE: Mechin

Matt, Tom Miller testified at his deposition that TMC Enterprises served as the agent for TMC Electrical Products in connection with UL submissions for products that were manufactured in China. That would explain why a telephone number in Diamond Bar, California would be included in the UL materials. Can you please email me a copy of the document from the UL submission you reference in your email below or email me the bates range number for the document?

Mr. Miller has represented that to the best of his knowledge, TMC Electrical Products does not have any offices, employees or representatives in the US. Chris Sullivan is listed in the answers to the supplemental interrogatories as an employee of TMC Enterprises, which was confirmed at Mr. Miller's deposition.

Jack,

John D. Shea, Esquire  
Litchfield Cavo, LLP  
*An Illinois Limited Liability Partnership*  
Commerce Center  
1800 Chapel Avenue West, Suite 360  
Cherry Hill, New Jersey 08002  
(856)382-2274 (Direct)  
(856)751-1230 (Fax)

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**From:** Matthew Mendelsohn [mailto:mmendelsohn@mskf.net]  
**Sent:** Thursday, March 18, 2010 3:22 PM  
**To:** Shea, John; Stratis, Jennifer; Thomas Mulcahy; Danielle Bohlen  
**Cc:** David Mazie  
**Subject:** Mechin

Jack,

I located a phone number in the UL submissions that supposedly belongs to TMC Electrical Products (Shenzhen) Co., Ltd. located in Diamond Bar, CA. I called the number and I requested to speak with an employee of TMC Electrical Products (Shenzhen) Co., Ltd. I was put on the phone with Chris Sullivan who he confirmed worked for TMC Electrical Products (Shenzhen) Co., Ltd. ("the Chinese company") However, when he gave me his email address, it was [csullivan@tmc-enterprises.com](mailto:csullivan@tmc-enterprises.com). Upon hearing the email address -- which appears to be the same as the employees of TMC Enterprises -- I ended the phone call. I would appreciate you confirming that Mr. Sullivan is not an employee of TMC Enterprises and again would ask that you confirm that TMC Electrical Products (Shenzhen) Co., Ltd. does not maintain an office, employees or representatives in the US.

Matt

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